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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Furh et al.
Serial No. : 09/868,200 Examiner: Gitomer, Ralph J.
Filed : September 10, 2001 Group Art Unit: 1651
For : PROCESS AND DEVICE FOR CELL TRACE BASED CELL
TESTING AND CELL CULTIVATION

DECLARATION OF DR. GUNTER FUHR,
DR. EKKEHARD RICHTER AND DR. ROLF HAGEDORN

I hereby certify that this paper is being deposited with the
United States Postal Service as First Class Mail in an
envelope addressed to: Assistant Commissioner for
Patents, Washington, D.C. 20231, on: *August 16, 2004*

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41,328
PTO Registration No.
August 16, 2004

Assistant Commissioner for Patents
Washington, D.C. 20231

We, GUNTER FUHR, EKKEHARD RICHTER AND ROLF HAGEDORN, do
declare:

1. We are co-inventors of the invention disclosed in the above-identified
application.

2. Günter Fuhr, Ekkehard Richter, Heiko Zimmermann, Hermine Hitzler,
Horst Niehus and Rolf Hagedorn are authors of the publication entitled "Cell Traces-
Footprints of Individual Cells During Locomotion and Adhesion" (1998, Biol. Chem.
379:1161-1173).

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NY02:273758.1

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3. Based on their contributions, it is our belief that the authors Dr. Heiko Zimmermann, Dr. Hermine Hitzler and Dr. Horst Niehus are not co-inventors of the invention disclosed in the above-identified application. Specifically, Dr. Heiko Zimmermann made atomic force microscopy (ATM) measurements as well as optical microscopy measurements. Dr. Hermine Hitzler also contributed to such measurements and, in addition, conducted a literature search for publications relating to interference reflection microscopy. Dr. Horst Niehus also contributed to the ATM technique. Further, Dr. Hermine Hitzler and Dr. Horst Niehaus contributed to the draft of the publication text.

6. We hereby declare further that all statements made herein by our own knowledge are true and that all statements made on information and belief are believed to be true and further that we make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the united States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing therein.

Dated: 29.4.04

Dr. Günter Fuhr

Dr. Ekkehard Richter

Dr. Rolf Hagedorn

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27.04.2004

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